

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

WILLIAM BAKER,

No. 2:05-cv-0249-MCE-KJM

Plaintiff,

v.

ORDER ON MOTION FOR  
RECONSIDERATION

METROPOLITAN LIFE INSURANCE  
COMPANY; ALLSTATE INSURANCE  
LONG TERM DISABILITY BENEFITS  
PLAN; and DOES 1 thru 10 inclusive,

Defendants.

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In bringing the present Motion for Reconsideration,  
Defendant Metropolitan Life Insurance Company ("MetLife") asks  
this Court to reverse the Magistrate Judge's February 2, 2006  
Order compelling responses to certain discovery propounded by  
Plaintiff.

Plaintiff alleges that MetLife improperly terminated his  
disability insurance benefits.

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1 Because MetLife served as both the Plan Administrator of the  
2 ERISA disability plan at issue as well as the funding source of  
3 said plan, the Magistrate Judge determined, under Tremain v.  
4 Bell, 196 F.3d 970, 976-77 (9th Cir. 1999) that evidence outside  
5 the existing administrative record may be considered given the  
6 less deferential standard of review that applies in instances  
7 where that dual status is present. The Magistrate Judge hence  
8 permitted limited discovery, tailored to Plaintiff's particular  
9 claim and to the individuals and policies involved in denying his  
10 claim, in order to determine whether MetLife's dual status  
11 tainted its ultimate decision.

12 In reviewing a magistrate judge's determination, the  
13 assigned judge shall apply the "clearly erroneous or contrary to  
14 law" standard of review set forth in Local Rule 72-303(f), as  
15 specifically authorized by Federal Rule of Civil Procedure 72(a)  
16 and 28 U.S.C. § 636(b)(1)(A).<sup>1</sup> Under this standard, the Court  
17 must accept the Magistrate Judge's decision unless it has a  
18 "definite and firm conviction that a mistake has been committed."  
19 Concrete Pipe & Products of Calif., Inc. v. Constr. Laborers  
20 Pension Trust for So. Calif., 508 U.S. 602, 622 (1993). If the  
21 Court believes the conclusions reached by the Magistrate Judge  
22 were at least plausible, after considering the record in its  
23 entirety, the Court will not reverse even if convinced that it  
24 would have weighed the evidence differently.

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26 <sup>1</sup>Federal Rule of Civil Procedure 72(a) directs the district  
27 court judge to "modify or set aside any portion of the magistrate  
28 judge's order found to be clearly erroneous or contrary to law."  
Similarly, 28 U.S.C. § 636(b)(1)(A), the district judge may  
reconsider any pretrial order "where it is shown that the  
magistrate's order is clearly erroneous or contrary to law."

1 Phoenix Eng. & Supply Inc. v. Universal Elec. Co., Inc., 104 F.3d  
2 1137, 1141 (9th Cir. 1997).

3 After reviewing the entire file, this Court cannot say that  
4 the Magistrate Judge's decision permitting additional discovery  
5 was clearly erroneous as that standard has been defined. As  
6 stated above, the discovery authorized is narrowly drawn and  
7 specifically designed to assess whether MetLife's apparent  
8 conflict of interest affected its benefits determination. Since  
9 such information would necessarily not be included within the  
10 underlying administrative record, denying any attempt to augment  
11 that record through, for example, additional discovery would  
12 nullify Tremain's directive that additional evidence may be  
13 considered to assess the impact of an insurer's dual status.

14 MetLife's request for reconsideration is accordingly DENIED.  
15 Defendants are directed to comply with the terms of the  
16 Magistrate Judge's February 2, 2006 Order by Monday, July 10,  
17 2006.

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19 IT IS SO ORDERED.

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21 DATED: June 29, 2006

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25 MORRISON C. ENGLAND, JR.  
26 UNITED STATES DISTRICT JUDGE  
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